UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,049	11/15/2000	Stepan B. Sokolov	5181-60100	4379

7590   08/03/2004

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EXAMINER
ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-67* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *26-33 and 48-61* is/are allowed.

6)☒ Claim(s) *11-25, 34-47 and 62-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the office action filed on 4/23/2004.

2.   The rejection to claims 11-12, 14, 18-20, 23-27, 29-33, 34-36, 40-44, 46-49, 50-52, 54-56, 58-59, 61-63, 65, and 67 under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent Number 6,292,936) in view of Hillson et al. (U.S. Patent Number 6,094,644) are hereby withdrawn in view of applicant's arguments.

3.   The rejection to claim 13 under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent Number 6,292,936) in view of Hillson et al. (U.S. Patent Number 6,094,644) and further in view of "The Principles of Computer Hardware, Third Edition" by Alan Clements, 2000 is hereby withdrawn in view of applicant's arguments.

4.   The rejections to claims 15-17, 37-39, 57, and 64 under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent Number 6,292,936) in view of Hillson et al. (U.S. Patent Number 6,094,644) and further in view of "Load-Time Structural Reflection in Java" by Shigeru Chiba, June 2000 is hereby withdrawn in view of applicant's arguments.

5.   The rejections to claim 21, 22, 45, 53, 60, and 66 under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent Number 6,292,936) in view of Hillson et al. (U.S. Patent Number 6,094,644) and further in view of "The IR to VMx86 Translation Module Specification" by Chris Lattner, December 1999 is hereby withdrawn in view of applicant's arguments.

6.   Claims 11-25, 34-47, 62-67 are provisionally rejected under the judicially created doctrine of obviousness- type double patenting as being unpatentable over claim 17 of copending Application No. 09/714,050.

Specification

7.   The use of the trademarks "JAVA" and "JAVASCRIPT" have been noted in this

application. They should be capitalized wherever they appear and be accompanied by the

generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any

manner, which might adversely affect their validity as trademarks.

Double Patenting

8.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman,* 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi,* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum,* 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

Claims 11, 34 and 62 are provisionally rejected under the judicially created doctrine of

obviousness- type double patenting as being unpatentable over claim 17 of copending

Application No. 09/714,050. Although the conflicting claims are not identical, they are not

patentably distinct from each other because Claim 17 of the copending application No.

09/714,050 teaches the detecting, generating, interpreting, executing, and accessing one or more

program objects steps, as taught in Claim 11 of the application. The current application teaches

an intermediate language (platform independent language) whereas the copending application

No. 09/714,050 specifies generating a platform-independent programming language (which can

be seen as an intermediate language). Neither change makes a difference in the scope of the

claim. This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claims 12-25 depend on claim 11 and are rejected.

Claims 35-47 depend on claim 34 and are rejected.

Claims 63-67 depend on claim 62 and are rejected.

Allowable Subject Matter

9.   the cited prior arts taken alone or in combination fail to disclose, in combination with

other claimed limitations, wherein the first process is implemented in a platform-independent

programming language, generating an intermediate representation of the one or more script

language instructions. wherein the intermediate representation of the one or more script language

instructions is different from the script language as recited in independent claims 11, 34 and 62

and as pointed out on pp. 5-6 of the remark filed on 4/23/2004; the cited prior arts taken alone or

in combination fail to disclose, in combination with other claimed limitations, if said examining

determines the current tag of the markup language document identifies the portion of the markup

language document as comprising script language instructions, passing execution to an

interpreter engine implemented in the platform-independent programming language as recited in

independent claim 26 and as pointed out on p. 8 of the remark filed on 4/23/2004; the cited prior

arts taken alone or in combination fail to disclose, in combination with other claimed limitations,

wherein the Web browser is executable by the processor to: process a markup language

document comprising a script comprising one or more script language instructions; detect the

script in the markup language document; and provide the script to the interpreter engine as

recited in independent claim 48 and as pointed out on p. 8 of the remark filed on 4/23/2004; the

cited prior arts taken alone or in combination fail to disclose, in combination with other claimed

limitations, a Web browser executable within the Java Virtual Machine to: detect one or more

script language instructions in document, and a markup language pass execution to the

interpreter engine in response to said detecting; wherein the interpreter engine is executable

within the device to; generate an intermediate representation of the detected one or more script

language instructions as recited in independent claim 56 and as pointed out on p. 9 of the remark

filed on 4/23/2004.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The

examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
7/20/2004

WEI Y. ZHEN
PRIMARY EXAMINER